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*Attorneys for Defendant*  
*Gary Alan Tanaka*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

S2 05 Cr. 621 (KMK)

- against -

ECF CASE

ALBERTO WILLIAM VILAR, a/k/a "Albert  
Vilar," and GARY ALAN TANAKA

Defendants.

**DECLARATION OF GARY ALAN TANAKA**

I, Gary Alan Tanaka, declare as follows:

1. I am a defendant in the above-captioned action. I submit this declaration in support of the motion to suppress evidence seized from a storage facility located at 239 Acton Lane, London, United Kingdom. Because I am submitting this declaration for the limited purpose of supporting the motion to suppress, I have not included every fact known to me relating to the subject matter of this action.

2. I am a citizen of the United States. For the majority of the period between 1965 and 2005 and continuously from 1981 thorough 2005, I lived in London, England, where my wife and I maintain a permanent residence. Three of my children also reside in London.

3. In 2005, I was a director, shareholder and officer of Amerindo Advisors (UK) Limited ("Amerindo U.K."), which leased offices at 43 Upper Grosvenor Street, London (the "Grosvenor Offices"). In that capacity, when I was not traveling, I was regularly present in the Grosvernor Offices during business hours. I stored various business records throughout the premises and maintained a personal working space, which included a desk, computer, various files and personal belongings.

4. I also kept certain private and confidential items at the Grosvenor Offices, including legally privileged correspondence with attorneys retained to represent me.

5. I understand that, before Amerindo U.K. vacated the Grosvenor Offices, documents and records, including the possessions referenced in ¶¶ 3-4, were collected, stowed in boxes and transferred to a storage facility located at Cadogan Tate, 239 Acton Lane, London ("Cadogan Tate").

6. I understood that Amerindo U.K.'s materials would be stored in a secure place at Cadogan Tate that was not accessible by anyone other than Michael Cooper, counsel to Amerindo U.K., and other agents of Amerindo U.K. Based on this information, I expected that Amerindo U.K.'s storage area at Cadogan Tate would remain private and free from unlawful, official intrusion.

7. I have no recollection of ever meeting a person named Ms. Beulah Birrd, nor do I recall ever having discussed investments with an individual by that name.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed the ninth day of March 2006, at New York, New York.



Gary Alan Tanaka